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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,345

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EXAMINER

DESIR, JEAN WICEL

ART UNIT

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2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,345	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> Jean W. Désir	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/12/09 (RCE with Amendment).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rashkovskiy (US 7,281,220) in view of Martin et al (US 7,174,512).

#### **Claim 24:**

Rashkovskiy discloses:

“a channel selection field for displaying a plurality of television channel video thumbnails and text information identifying the plurality of television channel video thumbnails”, see Fig. 1;

“a header field for displaying a user identifier, wherein the user identifier is associated with user preference information that includes information related to a user's favorite channels”, see Fig. 1 items 12, 14, 16, col. 2 lines 9-10, col. 3 lines 1-3;

“and an advertising field that is separate and distinct from the channel selection field for displaying a video advertisement, wherein the video advertisement is selected based on at least two of the television channel video thumbnails preview by the channel selection field”, see Fig. 1, col. 2 lines 23-34, where the video thumbnails are

considered as comprising video advertisements, because Rashkovskiy provides information regarding the video thumbnails to allow the viewer to determine whether or not to use the material;

the difference between the claimed invention and Rashkovskiy's disclosure is that Rashkovskiy does not explicitly show that the advertising field is separate and distinct from the channel selection field. However, it is a notoriously well known teaching in the art to provide a framework comprising an advertising field that is separate and distinct from the channel selection field for displaying a video advertisement, as claimed- as evidence see the reference to Martin, which is also a very relevant reference to the claimed invention, at Figs. 1A, 1B, 5D; because of these teachings, an artisan would be motivated to modify Rashkovskiy's disclosure and implement this existing framework to arrive at the claimed invention, the framework is readily available to the designer and an improved channel/video selection canvas with video advertisement would be advantageously obtained. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 25 is disclosed, see Rashkovskiy at Fig. 1, Martin at Figs. 1A, 1B.

3. Claims 1, 2, 5-9, 11, 12, 15, 16, 18-23, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of Rashkovskiy (US 7,281,220).

**Claim 1:**

Duhault discloses:

A channel selection canvas (see Figs. 1-4, the ABSTRACT, Fig. 11) for display on a video display device, comprising:

“a channel selection field for displaying a plurality of television channel video thumbnails received from a first source”, see col. 3 lines 25-28, 34-36, col. 2 lines 32-43;

“an optional video selection field for displaying an ancillary video thumbnail received from a second source”, see col. 3 lines 25-28, 36-38, col. 2 lines 40-43, col. 2 line 63 to col. 3 line 9;

“and a header field for displaying general information based on a current condition”, see Figs. 1-4 where several header fields are disclosed;

“wherein the channel selection canvas integrates the display of the television channel video thumbnails and the ancillary video thumbnail” see Figs. 1-4 where a plurality of video thumbnails are integrated as claimed;

“wherein the television channel video thumbnails and the ancillary video thumbnail are received using different data protocols”, is also disclosed because the video thumbnails are received from a plurality of sources, see col. 3 lines 4-9, col. 7 lines 53-64.

the only difference between the claimed invention and Duhault's disclosure is that Duhault does not explicitly show the general information is displayed **based on a current condition**, as claimed in claim 1. However, in a similar field of endeavor, the

reference to Rashkovskiy shows it is notoriously well known in the art to display information based on a current condition as claimed in claim 1 (as evidence see Rashkovskiy at Fig. 1, particularly items 12, 14, 16). Because of these teachings, an artisan would be motivated to combine the references to arrive at the claimed invention; this combination would advantageously provide an improved channel/video selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 2 is disclosed, see Rashkovskiy at Fig. 1.

Claim 5 is disclosed, see Duhault at col. 4 lines 52-55.

Claim 6 is disclosed, see Duhault at col. 1 line 30.

Claim 7 is disclosed, see Duhault at col. 2 line 17.

Claims 8, 9 are disclosed, see Duhault at col. 2 lines 24-26.

Claim 11 is disclosed, see Duhault at col. 3 lines 10-40.

Claim 12 is disclosed, see Rashkovskiy at Fig. 1, where language and/or location, item 12 and/or 14 is considered as a user identifier as claimed.

Claims 26-29 are disclosed, see Rashkovskiy at Figs. 4, 5, Duhault at Fig. 11.

Claim 3:

The above combination does not explicitly teach that the channel selection canvas further comprises video phone field as claimed in claim 3. However, in the above combination, Duhault teaches that a **varying number of** video images can be provided, and **other types of** video images programming can be monitored (as evidence see Duhault at col. 6 lines 44-45, col. 4 lines 37-38); through these teachings,

an artisan would have advantageously recognized that the above combination could be further modified to include varying fields for other types of video, such as video phones; and thus, providing a versatile channel selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 15, 16 are also disclosed because Rashkovskiy teaches streaming news at Fig. 1.

**Claim 18:**

Duhault discloses:

A channel selection canvas generator (see Figs. 11, 1-4), comprising:

“a video selection engine for selecting video streams to be displayed on a channel selection canvas”, see col. 3 lines 42-48, the ABSTRACT lines 1-13;

“a video integration engine for integrating the display of video streams selected by said video selection engine”, see Fig. 11 items 1110, 1126, Figs. 1-4;

“a user formatting engine for providing instructions to obtain user formatting information”, see col. 6 lines 25-62, col. 3 lines 42-48, col. 4 lines 24-25;

“a composite engine for receiving inputs from said video integration engine and user formatting engine to create a channel selection canvas”, see Fig. 11 items 1110, 1126, Figs. 1-4;

“an interface engine for interfacing to a video display device for displaying a channel selection canvas”, see Fig. 11 items 1126, 1160, 1161;

“and an administrative engine for storing user preferences and controlling the overall operation of the channel selection canvas generator, wherein user preference information includes a user's favorite channels as a function of time of day”, see Fig. 11 items 1110, 1112, 1114, 1126;

the only difference between the claimed invention and Duhault's disclosure is that Duhault does not explicitly teach that the user preference information includes user's favorite channels as a function of time of day as claimed in claim 18. However, in a similar field of endeavor, the reference to Rashkovskiy teaches user's favorite channels as claimed (as evidence see Rashkovskiy at col. 2 lines 4-15, Fig. 1, col. 3 lines 1-3, for instance current news are function of time of day). Because of these teachings, an artisan would be motivated to combine the references to arrive at the claimed invention; this combination would advantageously provide an improved channel/video selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made. Claims 19, 20 are disclosed, see Duhault at col. 2 lines 23-26, col. 8 lines 1-5.

**Claim 21** is rejected for the same reasons as claim 18.

Claim 22 is rejected for the same reasons as claim 20.

Claim 23 is disclosed, see Duhault at col. 3 lines 6-9.

4. Claims 10, 13, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of Rashkovskiy (US 7,281,220) and further in view of the Background of the instant application.



Claim 10:

The above combination does not explicitly teach that the field displays the channel number as claimed in claim 10. However, the structure of the claimed invention is a notoriously well known technique in the art (as evidence see Background of the instant application at paragraph [002], paragraph [003] lines 5-6), specifically in the field of video programming where many channels and sources are involved. An artisan, for purpose of identification, would be motivated to further modify the above combination and implement this existing technique in order to arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 13, 14, 17 are disclosed, see Background of the instant application at paragraph [005] line 6, paragraph [002] line 5.

5. Claims 4, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of Rashkovskiy (US 7,281,220) and further in view of Martin et al (US 7,174,512).

Claim 4:

The above combination does not explicitly teach "an advertising field that is separate and distinct from the channel selection field for displaying a video advertisement" as claimed in claim 4. However, in the above combination the video thumbnails are considered as comprising video advertisements, because Rashkovskiy provides information regarding the video thumbnails to allow the viewer to determine whether or not to use

the material (see Rashkovskiy at Fig. 1, col. 2 lines 23-34); and it is a notoriously well known teaching in the art to provide a framework comprising an advertising field that is separate and distinct from the channel selection field for displaying a video advertisement, as claimed- as evidence see the reference to Martin, which is also a very relevant reference to the claimed invention, at Figs. 1A, 1B, 5D; because of these teachings, an artisan would be motivated to modify the above combination and implement this existing framework to arrive at the claimed invention, the framework is readily available to the designer and an improved channel/video selection canvas with video advertisement would be advantageously obtained. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 30 is disclosed, see Rashkovskiy at Fig. 1, Martin at Figs. 1A, 1B, 5D.

### ***Response to Arguments***

6. Applicant's arguments have been fully considered but they are moot in view of new ground of rejections and new interpretation of the references necessitated by the amendment.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**2-26-09**

**/David L. Ometz/  
Supervisory Patent Examiner, Art Unit 2622**